

### **REMARKS**

Claims 11-20 are currently pending in the present Application. Claims 1-10 were previously withdrawn due to a Restriction Requirement. In the Office Action, claims 21-26 were withdrawn by the Examiner. By this Amendment, claims 27-30 have been added. Thus, claims 11-20 and 27-30 are currently at issue.

#### **I. Restriction**

In the Office Action, the Examiner withdrew previously-added claims 21-26 as being directed to a non-elected invention. Specifically, the Examiner states that claims 21-26 are not directed to Applicants' elected embodiment of Group XVI – FIGS. 66-73. Applicants disagree, and respectfully request reinstatement of claims 21-26. Claims 21-26 are clearly supported by FIGS. 66-73 and the related disclosure in the specification of the present Application. For example, FIGS. 72 and 73 illustrate a keeper (600) having an upper extension (615) with a beveled surface (617) adapted to urge the rotor (340) and/or pawl (372) toward the unlocked position. (See also P. 35, Lns. 16-26). Applicants also submit that claims 1-10, which were previously withdrawn by the Examiner, are also supported by FIGS. 66-73 and the same disclosure in the specification discussed above.

#### **II. Rejections Under 35 U.S.C. § 102/103**

In the Office Action, claims 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,992,907 to Sheldon *et al.* (“Sheldon”) in view of U.S. Patent No. 4,229,096 to Bujese *et al.* (“Bujese”). Applicants note that the Office Action is confusing, and indicates in different places that the claims are rejected under §103(a) (Page 2, bottom) and §102(b) (Page 3, top). Applicants have treated the rejections as being under §103(a) due to the citation of multiple references. Applicants respectfully traverse the Examiner’s rejections.

##### **A. Claims 11-15 and 19**

Claim 11 includes, among other elements, “a tilt latch mechanism operably connected to the rotor,” and, “an actuator ... having a locked position wherein the locking end of the rotor is adapted to engage the master frame, the actuator being moveable to an unlocked position

wherein the rotor is adapted to be disengaged from the master frame, and being further moveable to a tiltable position wherein the latch bolt is retracted and is adapted to be disengaged from the master frame.” Sheldon does not disclose, teach, or suggest the above elements of claim 11. More specifically, Sheldon does not disclose any operable connection between the rotor (36) and the latch bolt (22). Sheldon discloses two separate mechanisms for the sash locking operation and the retraction of the latch bolts. The sash locking operation of Sheldon is performed by the locking handle (34) and the cam (36). (Sheldon, Col. 4, Lns. 22-31). The retraction of the latch bolts (22) is performed by a tilt latch actuator (50), which includes a shaft portion (54) and a separate handle (52) for operation of the actuator (50). (Sheldon, Col. 4, Lns. 44-60). Sheldon discloses no operable connection between the sash lock handle and rotor (34, 36) and the tilt latch actuator (50). Thus, Sheldon does not disclose that the latch bolt (22) is “operably connected to the rotor,” and also does not disclose any actuator that has a locked position, an unlocked position, and a tiltable position. Accordingly, Sheldon does not disclose at least these elements of claim 11.

Bujese also does not disclose these elements of claim 11. Bujese is directed toward a start mechanism for an electrostatic copier and contains no window-related elements whatsoever. Accordingly, the cited references, either alone or in combination, fail to disclose, teach, or suggest all the elements of claim 11. Thus, no prima facie case of obviousness has been established.

Claims 12-15 and 19 include all the elements of claim 11, and thus, for the same reasons, no prima facie case of obviousness has been established with respect to claims 12-15 and 19.

**B. Claims 16-18 and 20**

Claim 16 includes, among other elements, “the handle having a locked position wherein the locking end of the rotor is adapted to engage the master frame, the handle being moveable to an unlocked position wherein the rotor is disengaged from the master frame, and being further moveable to a tiltable position wherein the latch bolt is retracted and adapted to be disengaged from the master frame.” As similarly described above with respect to claim 11, the mechanism of Sheldon contains separate tilt latch and sash lock mechanisms, and Sheldon does not disclose one handle that is moveable among all three of locked, unlocked, and tiltable positions.

Accordingly, Sheldon does not disclose, teach, or suggest at least this element of claim 16. As also described above, Bujese does not disclose, teach, or suggest this element of claim 16. Thus, no prima facie case of obviousness has been established with respect to claim 16.

Claim 16 also includes, among other elements, “the handle further having a first indicia ... the escutcheon having a base indicia wherein the first indicia and the base indicia cooperate to indicate to a user that the handle is in one of the locked position, the unlocked position and the tiltable position.” The Office Action concedes that Sheldon does not disclose this element of claim 16. Bujese also does not disclose this element of claim 16. At most, Bujese discloses indicia on only one element, and does not disclose cooperative indicia on two different elements. Applicants note that the Office Action does not clearly point out the disclosure of claimed features in Bujese, and does not even attempt to assert that Bujese discloses such cooperative indicia. Accordingly, for this additional reason, no prima facie case of obviousness has been established with respect to claim 16.

Claims 17-18 and 20 include all the elements of claim 16, and thus, for the same reasons, no prima facie case of obviousness has been established with respect to claims 17-18 and 20.

**C. Bujese is Not Analogous Art**

As an additional matter, Bujese is non-analogous art and cannot properly be used to reject Applicants' claims. A prior art reference is analogous if the reference is in the field of applicant's endeavor or, if not, the reference is reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Bujese is clearly not in the field of Applicants' endeavor. Additionally, Bujese is not pertinent to the problem with which the present invention is concerned. More specifically, one problem which the claimed invention addresses is indicating various positions of the handle in an integrated tilt/sash lock mechanism, which may not be located at regular or otherwise defined intervals in the range of rotation of the handle. In contrast, the dials (52, 56) of Bujese are intended to show how many copies will be made by the copier and to indicate the current contrast level. (Bujese, Col. 4, Lns. 30-40). The fact that the dials in Bujese indicate the physical position of the relative knobs is only incidental to the primary purpose. Thus, one skilled in the art of windows and window locking mechanisms would not look to Bujese for new

features to incorporate in a design for an integrated tilt/sash lock mechanism, and Bujese cannot form a proper prima facie case of obviousness with respect to the present claims.

### **III. New Claims**

New claims 27 and 29 include all the elements of claim 11, and new claims 28 and 30 include all the elements of claim 16, and thus, for the same reasons described above, new claims 27-30 are patentable over the cited references. Claims 27-30 are also patentable for additional reasons, described briefly below.

Claims 27 and 28 both contain, among other elements, “a housing adapted to be mounted to the sash rail, the housing supporting the rotor, wherein the escutcheon is separate from the housing and is adapted to be mounted to the sash rail to cover a portion of the housing.” Neither of the cited references discloses, teaches, or suggests this element of claims 27 and 28. Sheldon does not disclose a housing with a separate escutcheon covering a portion thereof. Rather, the housing of Sheldon appears to be a single piece. Bujese also does not disclose a housing as recited in claims 27 and 28. Accordingly, claims 27 and 28 are patentable over the cited references for at least these additional reasons.

Claims 29 and 30 both contain, among other elements, “the actuator rotates in a first rotational direction from the locked position to the unlocked position and further rotates in the first rotational direction from the unlocked position to the tiltable position, and wherein the actuator rotates in a second rotational direction from the tiltable position to the unlocked position and further rotates in the second rotational direction from the unlocked position to the locked position, the second rotational direction being opposite to the first rotational direction.” This element of claims 29 and 30 further distinguishes the structure of the ITSL mechanism claimed from that of Sheldon, where two separate actuators are required to operate the sash lock and tilt latch mechanisms. Thus, claims 29 and 30 are patentable over the cited references for at least these additional reasons.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the present rejections and allowance of claims 11-20 in the present Application. Applicants also request examination and allowance of new claims 27-30. Applicants submit that the Application is in condition for allowance and respectfully request an early notice of the same.

Additionally, Applicants request an Interview to discuss the present rejections and restrictions prior to the issuance of any subsequent Action. Applicants plan to contact the Examiner regarding this Interview, however the Examiner is invited to contact the undersigned if the Examiner is planning to issue another Action.

Respectfully submitted,

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